



## SURFACE TRANSPORTATION BOARD

[Docket No. AB 43 (Sub-No. 191X); Docket No. AB 33 (Sub-No. 337X)]

Illinois Central Railroad Company—Abandonment Exemption—in Jefferson County, Ill.;

Union Pacific Railroad Company—Abandonment Exemption—in Jefferson County, Ill.

Illinois Central Railroad Company (IC) and Union Pacific Railroad Company (UP) (collectively, the Railroads) jointly filed a verified notice of exemption under 49 CFR part 1152, subpart F—Exempt Abandonments to abandon approximately 100 feet of jointly owned railroad line extending from milepost 10.53 to milepost 10.55 at the railroad bridge overpass (the Bridge) of State Route 148 (County Road 600E), south of the Village of Waltonville in Jefferson County, Ill. (the Line). The Line traverses U.S. Postal Service Zip Codes 62894 and 62833.<sup>1</sup>

The Railroads have certified that: (1) no local traffic has moved over the Line for at least two years; (2) any overhead traffic could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7 and 1105.8 (notice of environmental and historic report), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

Any employee of the Railroads adversely affected by the abandonment shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91

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<sup>1</sup> The Railroads state that, after abandonment, they plan to salvage the Line, and the Bridge will be removed to permit the Illinois Department of Transportation to undertake a road improvement project on State Route 148.

(1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received,<sup>2</sup> the exemptions will be effective on December 4, 2020, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues<sup>3</sup> must be filed by November 13, 2020. Formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2) and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by November 16, 2020.<sup>4</sup> Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by November 24, 2020.

A copy of any petition filed with the Board should be sent to IC's representative, Thomas J. Litwiler, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606-3208; and UP's representative, Jeremy M. Berman, Union Pacific Railroad Company, 1400 Douglas Street, Stop 1580, Omaha, NE 68179.

If the verified notice contains false or misleading information, the exemptions are void ab initio.

The Railroads have filed a combined environmental and historic report that addresses the potential effects, if any, of the abandonment on the environment and historic resources. OEA will issue a Draft Environmental Assessment (Draft EA) by November 9, 2020. The Draft EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245-0305. Assistance for the

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<sup>2</sup> Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, indicating the type of financial assistance they wish to provide (i.e., subsidy or purchase) and demonstrating that they are preliminarily financially responsible. See 49 CFR 1152.27(c)(2)(i).

<sup>3</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemptions' effective date. See Exemption of Out-of-Serv. Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemptions' effective date.

<sup>4</sup> Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

hearing impaired is available through the Federal Relay Service at (800) 877-8339.

Comments on environmental and historic preservation matters must be filed within 15 days after the Draft EA becomes available to the public.

Environmental, historic preservation, public use, or interim trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), the Railroads shall file a notice of consummation with the Board to signify that they have exercised the authority granted and fully abandoned the Line. If consummation has not been effected by the Railroads' filing of a notice of consummation by November 4, 2021, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: October 29, 2020.

By the Board, Allison C. Davis, Director, Office of Proceedings.

Andrea Pope-Matheson,

Clearance Clerk.

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